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To: John Lovell/R3/USEPA/US@EPA

Delivered Date: 08/03/2011 03:02 PM EDT

Subject: Re: Pretreatment Legal Authority Requirements in Pennsylvania

Hi John,

Is this interpretation for local limits revision to legal authority only?

What if you are making other updates to rules and regs language in addition to local limits?

Jeff Morgan

-----Original Message-----

From: John Lovell <Lovell.John@epamail.epa.gov>

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Sent: Wed, Aug 3, 2011 12:41 pm

Subject: Pretreatment Legal Authority Requirements in Pennsylvania

Based on information submitted by the attorney for a POTW in Pennsylvania with an approved pretreatment program, our Office of Regional Counsel has reevaluated the documentation that we require for approval of legal authority and local limits for some POTWs. Based on this reevaluation, for POTWs that are PA Municipal Authorities that have

an approved pretreatment program, we will no longer require ordinances from the contributing municipalities in addition to the Authority's regulations provided that the attorney for the municipal authority submits a statement that includes the following information:

1 - States that the POTW is a municipal authority created under the PA Municipal Authorities Act, and

2 - Describes the provisions of state law (such as the PA Municipal Authorities Act) that authorizes the POTW to establish, implement, and enforce the legal authority requirements of 40 CFR 403.8(f)(1).

For POTWs that are municipalities (e.g., Boroughs, Townships, Cities) we are still requiring that the POTW obtain ordinances from the contributing municipalities in addition to the POTW ordinance before approving the POTW's legal authority. Note that in situations where the POTW with the approved pretreatment program is a municipality, regulations for a contributing municipal authority that does not have an approved pretreatment program will not be accepted in lieu of municipal ordinances. A municipal authority is only considered to have an approved pretreatment program if it has an NPDES permit and has received approval of its pretreatment program from EPA.

We are hoping to develop more detailed guidance in the near future and will make that available when completed. In the interim, feel free to call me with any questions that you may have regarding approval of your legal authority or local limits.

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